REMARKS

This communication is a full and timely response to the final Office Action dated January 29, 2007. By this communication, claims 25-27, and 33 are amended. Claims 1 and 3-36 remain pending. Reconsideration and allowance of all pending claims is respectfully requested.

Objection to Previous Amendment

The previous amendment filed on December 7, 2006 was objected to under 35 U.S.C. §132 for allegedly introducing new matter. In the previous response, Applicants added claims 31 and 35 which recite that a key is embedded across at least two sections of the audio content. The Patent and Trademark Office (PTO) alleges that the originally filed Specification specifies that the key resides in only one section of the content. Applicants respectfully disagree. On page 9, line 9 through page 10, line 10 of Applicants' originally filed disclosure, (see also paragraphs 50 and 51 of published application 2003/0068043) an audio signal is assembled and then watermarked by adding copyright, license, and/or user information using a robust data hiding technique. This watermark audio signal is then sectioned into three parts marked as "Ad", "Trial", and "Restricted" (see page 9, lines 16-18). "Imperfectness" is then generated in the restricted section of the audio signal. The "imperfectness" is linked with quality control information which includes key information both generating the "imperfectness" and for recovering the correct version of the restricted section for playback. This key information is embedded in the advertising and trial version sections of the audio signal using a fragile data hiding technique (see page 10, lines 7-9). The three sections are then assembled as a signal byte stream for output.

Given these teachings, it should be readily apparent to one of ordinary skill that Applicants' clear and concise description of how a key is embedded across at least two sections of a watermark signal show possession of the invention at the time of filing. Accordingly, Applicants respectfully request that the objection be withdrawn.

Rejections Under 35 U.S.C. §112

Claims 31 and 32 were rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. Particularly, the PTO alleges that Applicants' Specification does not disclose that both sections of the audio signal contain portions of the watermark. The PTO also alleges that Applicants' Specification only contains support for a key residing in one section of the content material. As discussed above Applicants' disclosure (beginning on page 9, line 9) provides clear support for embedding a key across more than one section of content material. Moreover, this portion of Applicants' disclosure also describes that after watermarking the audio signal is sectioned into three parts. Accordingly, Applicants find clear error in this rejection and request its withdrawal.

Claim 33 was rejected under 35 U.S.C. §112, second paragraph, for alleged indefiniteness. Applicants have amended claim 33 for clarity. Applicants respectfully request withdrawal of this rejection.

Rejections Under U.S.C. §102

Claims 1, 3-5, 8-13, 16-30, and 33 were rejected under 35 U.S.C. §102(e) as anticipated by *Downs* (U.S. Patent No. 6,226,618). Applicants respectfully traverse this rejection.

In the previous response, Applicants argued that because both the Metadata SC and Content SC files do not both contain audio content, the *Downs* patent fails to meet the claimed sectioning of a watermark and audio signal into at least two sections, where each section has audio content. In numbered paragraph 3 on page 2 of the Office Action, the PTO maintains the previous rejection by alleging that *Downs* discloses that the actual audio file contains a metadata section and a content section such that the metadata section and the content section contain audio. Applicants respectfully disagree.

Downs discloses that the term "content" refers to information and data stored in a digital format, which includes pictures, movies, video, music, programs, multimedia, and games (column 6, lines 45-48). The term "metadata" is defined as data related to the content and does not include the content itself (column 9, lines 21-24). During watermarking, the *Downs* patent teaches that copyright data and other information are added to the content (column 52, lines 60-61; column 63, lines 64-66). Thus, because metadata can be added to the content and *Downs* explicitly teaches that this metadata does not contain audio data, *Downs* cannot reasonably be interpreted to teach or suggest that (1) content as described by *Downs* is divided into at least two sections, and (2) the metadata or information added to the content during watermarking contains audio data.

In numbered paragraph 3 of the Office Action, the PTO attempts to support its findings that the metadata section of *Downs* contains audio. Particularly, the PTO cites column 58, line 4, to support its argument. However, upon close and careful inspection, Applicants submit that the metadata described in the cited text is not the same data used in the watermarking process, but rather is metadata used to create

a Metadata Secured Container (SC). As illustrated in Figure 8 of *Downs*, Metadata SC creation neither includes nor is included in a watermarking process. Hence, because the *Downs* patent does not support the PTO's position for finally rejecting Applicants' claims, Applicants submit that the finality of this rejection is improper. Thus, withdrawal of the rejection of claims 1, 23, 25, 26, 27, 28, 29, 33, and their corresponding dependent claims is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 6, 7, and 14 were rejected under 35 U.S.C. §103(a) as unpatentable over the *Downs* patent in view of *Schneier* book titled Applied Cryptography, 1996, John Wiley & Sons, Inc., pp; 351-353 and 355; claim 15 was rejected under 35 U.S.C. §103(a) as unpatentable over the *Downs* patent in view of *Jones* (U.S. Patent No. 6,697,944); and claims 31 and 32 were rejected under 35 U.S.C. §103(a) as unpatentable over the *Downs* patent in view of *Rhoads* (U.S. Patent No. 5,636,292). Applicants respectfully traverse these rejections. Because these claims variously depend from independent claims 1 and 29, Applicants submit that they are allowable for at least the same reasons discussed above with regard to their respective base claims. In addition, these claims are further distinguishable over the *Downs* patent, the *Schneier* publication, and the *Jones* and *Rhoads* patents by the additional elements recited therein. Accordingly, Applicants respectfully request withdrawal of these rejections.

Applicants note that claim 36 was not rejected over prior art in the current Office Action. MPEP §707.07(d) states, "where a claim is refused for any reason relating to the merits thereof it should be 'rejected' and the ground of rejection fully and clearly stated, and the word 'reject' must be used." As a result, Applicants

assume that this claim is allowable and request acknowledgement of the same in the next communication. In the event the PTO believes that this claim reads on prior art, Applicants submit that the next communication cannot be an Advisory Action.

Conclusion

Based on at least the foregoing amendments and remarks, Applicants submit that claims 1 and 3-36 are allowable, and this application is in condition for allowance. Accordingly, Applicant requests a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicant requests that the undersigned attorney be contacted at the number listed below.

Respectfully submitted,

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